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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Federation for Human Rights (FIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

People's Republic of China

The International Federation of Human Rights Leagues (FIDH) and its affiliate organization Human Rights in China (HRIC) remain deeply concerned about the extensive and systematic violations of human rights continuing in the People's Republic of China (PRC).

While a host of severe human rights problems continue to exact a severe toll on individuals and groups in China today, here we will focus on four main areas : the endemic problem of torture; the growing use of administrative detention and the stalling of the initiative to "reform" Reeducation Through Labor; the treatment of ethnic minorities, particularly in areas where some portion of the population has expressed ethnic nationalist sentiments; and the continuing systematic use of political imprisonment as a tool of repression of dissent. In addition, the Government refuses to cooperate in anything more than a pro forma way with human rights monitoring mechanisms, both intergovernmental and non-governmental. Therefore, our organizations believe that the Commission on Human Rights should thoroughly examine China's rights situation.

Minority rights

Since the September 11 attack, Beijing has sought to link its suppression of dissent in Xinjiang to the anti-terror campaign. FIDH and HRIC are concerned that, in the treatment of minorities, the Chinese authorities do not distinguish between peaceful expression of dissent or cultural and religious identity and violent acts. Ethnic minorities who seek to develop their own national identity run the risk of being charged with engaging in an "act of splitting the country" even if their actions are entirely peaceful.

The fact that in a number of areas, from religious rights to the protection of personnel integrity in minority areas and to the influx of Han settlers in autonomous regions, CERD 1996 recommendations were reiterated in 2001, shows the unwillingness of the PRC government to take CERD recommendations into consideration, in particular, the need for China to include in its legislation a definition of racial discrimination.1

In the Uighur Autonomous Region of Xinjiang, the Chinese authorities have long claimed to be fighting againt "violent terrorist movements." However the "terrorist" and "separatist" labels are indiscriminately used, and have mainly served to legitimate the suppression of any form of dissidence through the use of unrestrained force and violence. "Strike Hard" campaigns conducted in the name of "eradicating separatist organizations" have led to indiscriminate and arbitrary detention of large numbers of people, summary trials and convictions, and the execution of at least six people in the last month alone. According to reliable information, in a number of such cases people have been subjected to systematic torture to force them to confess to such crimes. These concerns were raised in May 2000, by the UN Committee against Torture when expressing its concern "about the continuing allegations of serious incidents of torture", involving national minorities.2

Uncertainty over reform of Reeducation Through Labor (RTL)

The first workshop held in the framework of the OHCHR's technical cooperation program, in February 2001, focused on administrative detention. At that time, the High Commissioner had publicly called on the government to abolish RTL, a measure that has long been advocated by

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1 Concluding observations of the Committee on the Elimination of Racial Discrimination : China. 09/08/2001. A/56/18,paras.231-255

2 Conclusions and recommendations of the Committee against Torture : China. 09/05/2000. A/55/44,paras.106-145.

some Chinese legal scholars and human rights advocates. Since 1998, Chinese authorities have been discussing passing a law to reform RTL. Although this move was welcome, FIDH and HRIC were concerned that this would only lead to a cosmetic change which would do nothing to address the human rights concerns about RTL. New concerns have arisen as the reform process may have stalled, due to the expansive use of RTL in the Chinese government's brutal campaign against Falungong.

No progress towards eliminating the use of political imprisonment

Hundreds of people are still serving substantial prison terms for the peaceful exercise of their fundamental rights and freedoms, and many more have been sentenced administratively to RTL. Guarantees for the rights to freedom of association and freedom of expression are non existent. People calling for human rights improvements are systematically silenced, from members of the China Democracy Party to Falungong practitioners. And efforts to organize independently, whether around issues of religion, politics, human rights, or labor are ruthlessly suppressed.

FIDH and HRIC are particularly concerned about the situation of Li Hai, a human rights defender detained in 1995 for documenting the cases of some 900 Beijing residents sentenced to long prison terms for their role in the 1989 demonstrations. In 1996, Li Hai was sentenced to a nine-year prison term for "prying into and gathering" state secrets. Li has suffered from serious medical problems in prison, and has not received appropriate medical treatment.

Torture still systematic

Torture remains a systemic problem in China and can affect all detainees. Concern has grown over the last few months over the increased use of torture against Falungong members to force them to renounce the group. As a result, there has been a rapid rise in the number of deaths in custody. By October 2001, the Falungong group had documented 297 such deaths, with half occurring in the last six months, and 69 percent being of people aged 20 to 49.
The government's "Strike Hard" campaign against crime has led to speedy executions. Over 3,000 executions have been reported between April and September alone, with as many as 191 in a single day. FIDH and HRIC are further concerned that the prevalence of torture and the reliance on forced confessions to obtain convictions might lead to the sentencing of innocents.

FIDH and HRIC urge the government to end impunity for torturers and to impose a moratorium on death penalty. The organizations also call on the government to allow the visit by the UN Special Rapporteur on Torture that it agreed to three years ago in full respect of the "Terms of Reference" that guarantee that UN experts can discharge their mandates in condition of independence and impartiality. FIDH and HRIC urge the government to implement all of CAT's recommendations expeditiously and, in particular, to adopt a definition of the crime of torture consistent with the Convention, and to investigate all cases of torture and prosecute perpetrators.

In view of the ongoing human rights violations occurring in China and of the Government's failure to cooperate in good faith with the UN human rights mechanisms, FIDH and HRIC believe that it is crucial that the Commission on Human Rights adopt a resolution on China's human rights situation. Any attempt by the Government to use a no-motion action—a de facto veto procedure that conflicts with the Commission's mandate to examine the human rights situation in all countries in the world—should be rejected.

A resolution on the human rights situation in China should address the above concerns. It should further

- urge the Chinese Government to ratify the ICCPR without any reservation, and to implement

the provisions of this instrument and of the ICESCR;

- call on the Government to release immediately and unconditionally all prisoners of conscience and to allow all Chinese citizens to fully enjoy their rights to freedom of expression, assembly, association and religion;

- invite the Government of China to cooperate fully with the OHCHR, and in particular to agree to the Terms of Reference governing fact-finding missions by the Commission's thematic mandates;

- call on the Government to implement promptly the recommendations made by UN Committes against Torture (CAT), on the Elimination of Racial Discrimination (CERD), and on the Elimination of Discrimination Against women (CEDAW).

- should request the UN High Commissioner for Human Rights to draft a report on the human rights situation in China, to be presented at the Commission on Human Rights, and to present an interim report to the UN General Assembly.